

## REMARKS

Claims 1-21 are pending in the application. Claims 1-21 are rejected.

Claims 1, 2, 12 and 13 have been cancelled herein. Claims 5 and 16 have been amended to independent form.

Claims 22 and 23 are newly added. These claims are similar in scope to claims 1, 2 and 5 and claims 12, 13 and 16. No new matter is entered.

Claims 5, 6, 16 and 17 are objected to for the use of the term “preserve” and its variations. This word has been changed to the word “store”.

Claims 5 and 16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The phrase “such as” has been amended and clarified to “including.” The claims have also been clarified to recite a previous call.

Claims 1, 2, 9-13, and 20-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by Farris et al. (U.S.P. 2003/0198218).

Farris discloses a telephone connection method and a telephone connection apparatus in Figs. 3 and 6A and descriptions 0047-0050.

However in contrast to applicant’s claimed invention Farris does not disclose nor suggest the features of which there are pre-call voice-quality measurement mode and post-call voice-quality measurement mode and communication quality is evaluated in accordance with a mode that is designated.

Applicant’s new claims 22 and 23 each recite distinguishing features including in a case where said communication quality is evaluated by a past-call voice-quality measurement mode, said second step further includes the steps of: storing communication-quality data including

packet loss rate that prevailed during a previous call after the previous call ends; and determining whether communication quality is good or bad by referring to the communication-quality data that has been preserved.

According to applicant's claimed invention the pre-call voice-quality measurement mode, control of a telephone connection can be performed upon measurement voice quality in real time and excellent call quality can be achieved in reliable fashion. And according to the post-call voice-quality measurement mode, it is unnecessary to measure voice-quality before the channel is established and it is therefore possible to shorten time required for a call to start.

The features of applicant's claims 22, 23, 5 and 16 are not disclosed in the prior art and it is respectfully requested the rejection be withdrawn.

Claims 3, 5-7, 14 and 16-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Farris in view of Iwama et al. (U.S. 6,600,735). Claims 8 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Farris and claims 4 and 15 are likewise unpatentable over Farris in view of Schuster et al. (U.S. 6,512,761).

In contrast the prior art references and as discussed above with regard to the Farris reference, neither Farris, Iwama, nor Schuster teaches the features of claims 5 and 16 that are:

storing communication-quality data including packet loss rate than prevailed during a previous call after the previous call ends; and

determining whether communication quality is good or bad by referring to the communication-quality data that has been preserved.

The features are neither described nor suggested by the combination of references. Because of the unique combination of features recited in claims 5 and 16, it is unnecessary to measure voice quality before the channel is established and it is therefore possible to shorten the



time required for a call to start.

Please charge the amount of \$258 for three extra independent claims to Deposit Account 50-1290.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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**MAR 25 2003**

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Docket No.: FUSA 17.732 (100807-16875)  
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